

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD G. JOHNSON,

Petitioner, : Case No. 3:19-cv-321

- vs -

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

Warden, NEOCC Prison,

:
Respondent.

TRANSFER ORDER

This habeas corpus case is before the Court after transfer from the Northern District of Ohio under the habeas choice of venue statute, 28 U.S.C. § 2241(d)(Transfer Order of Judge Pamela A. Barker, N.D. Ohio, ECF No. 5). Upon initial review under Habeas Rule 4, Magistrate Judge Michael Merz concluded the Petition was a second or successive habeas corpus application which was required to be transferred to the Sixth Circuit Court of Appeals for determination of whether Johnson should be permitted to proceed (Transfer Order, ECF No. 7). The Magistrate Judge ordered the case transferred, but postponed the transfer pending any objections. *Id.* at PageID 145.

Johnson did object (ECF No. 8), and the Court recommitted the matter to the Magistrate Judge (ECF No. 9). The Magistrate Judge then filed a Supplemental Opinion reaching the same conclusion (ECF No. 10). Johnson has not objected to the Supplemental Opinion and his time for doing so has expired.

The Court has reviewed Johnson's Objections *de novo*, but reaches the same conclusion as

the Magistrate Judge: because the instant Petition is second or successive within the meaning of 28 U.S.C. 2244(b), this Court does not have jurisdiction to decide it without permission of the Sixth Circuit Court of Appeals.

Accordingly, the Clerk is ORDERED to transfer this case to the Sixth Circuit and terminate it on the docket records of this Court.

January 3, 2020
December , 2019.

Walter H. Rice

Walter H. Rice
United States District Judge